

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES DEAN, JR.

Plaintiff,

-vs-

DRAPER & KRAMER, INC.,

Defendant.

No. 09 C 4374

Chicago, Illinois
October 20, 2010
9:00 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS - STATUS
BEFORE THE HONORABLE MILTON I. SHADUR

APPEARANCES:

For the Defendant:

K&L GATES LLP
70 West Madison Street
Suite 3100
Chicago, Illinois 60602
BY: MR. JOHN PEIRCE MORRISON

Court Reporter:

ROSEMARY SCARPELLI
219 South Dearborn Street
Room 2304A
Chicago, Illinois 60604
(312) 435-5815

1 THE CLERK: 09 C 4374, Dean versus Draper & Kramer.

2 MR. MORRISON: Your Honor, Peirce Morrison on
3 behalf of defendant Draper & Kramer. I don't see Mr. --

4 THE COURT: Hear anything from the plaintiff?

5 MR. MORRISON: No. We have tried to contact him by
6 the phone number that he has given us and the e-mail that he
7 has given us for other portions of the case and have had no
8 response whatsoever.

9 THE COURT: Why don't we wait just briefly and see
10 whether he chooses to pursue his lawsuit. And we will recall
11 it in a few minutes.

12 MR. MORRISON: Thank you.

13 THE COURT: Thank you.

14 (Recess taken.)

15 THE CLERK: Dean versus Draper & Kramer.

16 MR. MORRISON: Your Honor, Peirce Morrison again
17 representing the defendant. I don't see Mr. Dean here.
18 There has been no appearance filed by an attorney on behalf
19 of Mr. Dean. You are aware that last time we were here you
20 ordered either Mr. Dean or a new attorney to appear at this
21 proceeding and you also ordered him to produce -- to respond
22 to all outstanding discovery today. We don't have a response
23 yet. Now, it is not the end of the day. But --

24 THE COURT: Well, it is -- it is very troublesome.
25 And I have not essentially sent the proverbial shot across

1 the bow by saying inaction amounts to abandonment and,
2 therefore, you may be dismissed for want of prosecution. But
3 I think the time has come to do that.

4 MR. MORRISON: I think so. And I would be
5 requesting you to do so. And I can assure you that otherwise
6 if you hadn't done so and if we don't get the discovery
7 responses as -- as ordered, and they are substantially late,
8 I would be moving for discovery sanctions and seeking this as
9 a -- as agreement -- dismissal. Excuse me.

10 THE COURT: I think a short time frame is -- ought
11 to be set here, given the delinquency. And so suppose I set
12 this for maybe two weeks from Friday, the 5th, if that is
13 good for you. Or if that is not a good day that week, I
14 think I can do it just about any day other than Wednesday,
15 the 3rd.

16 MR. MORRISON: I will be out on Friday, the 5th. I
17 would prefer some day earlier in that week. And I am
18 thinking --

19 THE COURT: What about Thursday, the 4th?

20 MR. MORRISON: I believe that is okay. If you let
21 me sort of flip through my --

22 THE COURT: Sure.

23 MR. MORRISON: -- electronic -- Thursday, the 4th,
24 would be fine.

25 THE COURT: All right. I am setting this for

1 November 4th at 9:00 o'clock, with the provision in the
2 minute order that says that failure on Mr. Dean's part to
3 appear once again or failure to comply with the outstanding
4 discovery requests by that date will result in dismissal for
5 want of prosecution.

6 MR. MORRISON: So will the order be failure to
7 reply to discovery by November 4th or will that be by today
8 as previously ordered? I -- if -- that is fine if we don't
9 make it today. I would like to have the discovery response
10 provided before the 4th, just so I can see it.

11 THE COURT: Yeah, that is sensible.

12 MR. MORRISON: Maybe -- maybe --

13 THE COURT: Suppose I -- it is more than two weeks.

14 MR. MORRISON: Right.

15 THE COURT: So let's say that the discovery
16 response has to be in hand by Monday, November 1.

17 MR. MORRISON: Okay.

18 THE COURT: And failure to do that or failure to
19 appear once again at the November 4th status date will result
20 in dismissal for want of prosecution.

21 MR. MORRISON: Thank you very much, your Honor.

22 THE COURT: Thank you.

23 THE COURT: Now wait, Sandy, let me make a note.

24 (Which were all the proceedings heard.)
25

CERTIFICATE

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

s/Rosemary Scarpelli/

Date: March 3, 2011